

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Laurent Arghyris et al.) Group Art Unit: 3754
Application No.: 10/501,730) Examiner: Cartagena, Melvin A.
Filed: July 16, 2004) Confirmation No.: 1127
For: DEVICE FOR CONDITIONING AND)
DISTRIBUTING SEVERAL FLUIDS,)
COMPRISING AT LEAST TWO)
PUMPS)

AMENDMENT & REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 14, 2007, Applicants hereby amend the application as follows:

Amendments to the Specification begin on page 2;

Amendments to the Drawings begin on page 3;

Amendments to the Claims begin on page 4; and

Remarks begin on page 7.

AMENDMENTS TO THE SPECIFICATION

Please replace the paragraph on page 6, beginning on line 4 with the following:

According to an advantageous embodiment, the two bags are combined with a single ring for fastening to the container and to the pumps, and they may be formed as a single piece, in the form of a double bag comprising two compartments separated by a partition (Figure 4). This double-bag embodiment has the advantage that it stiffens the structure of the bag by means of the separating partition, which simplifies the replacement of the products contained in the bags. The bags may be fastened by any known means, for example by snapping their necks onto the ring.

Please insert the following new paragraph on page 11, between the paragraph ending on line 33 and the paragraph starting on line 35:

Figure 4: a sectional view of another variant of the device, in which the two bags are formed a single piece, in the form of a double bag comprising two compartments separated by a partition.

AMENDMENTS TO DRAWINGS

Applicants hereby submit a new drawing sheet (sheet 3 / Figure 4) in compliance with 37 CFR 1. 83(a), which shows that the two bags are formed as a single piece, in the form of a double bag comprising two compartments separated by a partition. Withdrawal of the objection is respectfully requested.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1. (Previously Presented) A device for packaging and dispensing several fluid products, comprising at least two extraction pumps with parallel axes and at least two containers containing the products to be dispensed, wherein the first pump is mounted so that it can move axially in the chamber of the second pump, such that the movement of the first pump operates the second pump.
2. (Previously Presented) The device as claimed in claim 1, which further comprises a single push-button acting on a piston of the first pump and means such that the movement of the push-button displaces the body of the first pump and a piston in the chamber of the second pump.
3. (Previously Presented) The device as claimed in claim 1, which further comprises means for expelling the products in the containers sequentially.
4. (Previously Presented) The device as claimed in claim 1, wherein each pump comprises a dip tube communicating with independent containers.
5. (Currently Amended) The device as claimed in claim 4, wherein each container comprises a sealed flexible bag placed in said the same single rigid container and comprising means cooperating with at least one ring for fastening to the rigid container and to the pumps.
6. (Previously Presented) The device as claimed in claim 5, which comprises at least two bags combined with a single ring for fastening to the container and to the pumps.

7. (Previously Presented) The device as claimed in claim 5, which comprises two bags made from different materials.

8. (Previously Presented) The device as claimed in claim 5, which comprises two bags, one inside the other, the neck of the larger bag surrounding that of the smaller one, a space being left between the two necks for filling and expelling the product.

9. (Previously Presented) The device as claimed in claim 5, which comprises two bags formed as a single piece, in the form of a double bag comprising two compartments separated by a partition.

10. (Previously Presented) The device as claimed in claim 5, wherein the bags are fastened by snapping their necks onto the ring.

11. (Previously Presented) The device as claimed in claim 5, wherein the bags are produced by injection-blow molding or extrusion-blow molding a material chosen from among a polyethylene, a polypropylene, a polyamide, and an ethylene/vinyl alcohol (EVOH) copolymer.

12. (Previously Presented) The device as claimed in claim 5, wherein the bags are produced by welding a plastic or metal film or a multilayer metal/plastic complex on a support forming the neck of the bag.

13. (Previously Presented) The device as claimed in claim 5, which further comprises an air circuit between the outside and the volume between the wall of the rigid container and the bags.

14. (Previously Presented) The device as claimed in claim 13, wherein the air circuit consists of a vent in the wall of the rigid container, equipped with a valve and/or a filter.

15. (Previously Presented) The device as claimed in claim 13, wherein the air circuit consists of a passage made in the ring and the body of the first pump, communicating with the space between the first pump and the push-button, and comprising means for closing it off when the pump is not actuated.

16. (Currently Amended) The device as claimed in claim 1, which further comprises juxtaposed or concentric product outlet nozzles, to ensure the mixing of the products from each [[bag]] container.

17. (Currently Amended) The device as claimed in claim 16, wherein the outlet nozzle comprises two concentric annular orifices covered by an ~~the same~~ elastic film that can deform to allow the fluids coming from the pumps to exit.

18. (Previously Presented) The device as claimed in claim 16, wherein pump outlet ducts are joined to emerge in a common outlet nozzle wherein the mixing takes place.

19. (Previously Presented) The device as claimed in claim 1, wherein the containers have different volumes.

20. (Previously Presented) The device as claimed in claim 1, wherein the volume of a metering chamber of each pump is proportional to the volume of the corresponding container.

REMARKS

The Office Action dated May 14, 2007, has been carefully considered. Claims 1-20 are currently pending. Applicants appreciated the Examiner's indication that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants request that the Examiner consider the following remarks, and pass the application to allowance.

Drawings

The drawings were objected to under 37 CFR 1.83(a) for failing to allegedly show every feature of the invention specified in the claims. Applicant submits herewith a new drawing sheet (sheet 3 / Figure 4) in compliance with 37 CFR 1.121(d). Accordingly, withdrawal of said rejection is requested.

Claim Rejections - 35 U.S.C. 112

Claims 5-17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 16 and 17 have been amended to overcome the rejections. Accordingly, withdrawal of the rejections is respectfully requested.

Claim Rejections - 35 U.S.C. 102

Claims 1, 2, 4, 5, 10, 13, 15, 16, 17, 18, 19 and 20 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Vandromme et al. (U.S. Patent No. 5,752,627).

Claim 1 recites a device for packaging and dispensing several fluid products, comprising at least two extraction pumps with parallel axes and at least two containers containing the products to be dispensed, wherein the first pump is mounted so that it can move axially in the chamber of the second pump, such that the movement of the first pump operates the second pump.

Vandromme et al. relates to pump-type distribution devices and, in particular, to such devices for distributing a product that is relatively viscous, e.g., cream, gel or milk. The pump-type spraying device includes two chambers, wherein the first chamber contains the viscous product and the second one contains the distribution

fluid. However, according to Vandromme et al., the two pistons are on the same rod and move simultaneously and in parallel. Although, the movement of the first pump operates the second pump, the first pump does not move axially in the chamber of the second pump. Accordingly, since Vandromme et al. does not teach a device for packaging and dispensing several fluid products, wherein the first pump is mounted so that it can move axially in the chamber of the second pump as recited in claim 1, claim 1 should be allowable. Claims 2, 4, 5, 10, 13, 15, 16, 17, 18, 19 and 20 are dependent from claim 1, and for the reasons set forth above as to claim 1, claims 2, 4, 5, 10, 13, 15, 16, 17, 18, 19 and 20 should also be allowable.

Claim Rejections – 35 U.S.C. 103

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Vandromme et al. (U.S. Patent No. 5,752,627) in view of Obrist (U.S. Patent No. 4,673,107).

Claims 6-8 recite the device of claim 5, which comprises at least two bags combined with a single ring for fastening to the container and to the pumps; which comprises two bags made from different materials; and which comprises two bags, one inside the other, the neck of the larger bag surrounding that of the smaller one, a space being left between the two necks for filling and expelling the product, respectively.

Obrist relates to a two-compartment package comprising an outer container and an inner container arranged within the outer container. For the reasons set forth above as to claim 1, and further since Obrist does not teach a device wherein the first pump is mounted so that it can move axially in the chamber of the second pump, claims 6-8 should be allowable.

Claim 9 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Vandromme et al. (U.S. Patent No. 5,752,627) in view of Connan et al. (U.S. Patent No. 5,954,234).

Claim 9 recites the device as claimed in claim 5, which comprises two bags formed as a single piece, in the form of a double bag comprising two compartments separated by a partition.

Connan relates to a tubular container comprising at least two chambers. However, since Connan does not provide any teaching whatsoever regarding the pumps, and further for the reasons set forth above as to claim 1, claim 9 should be allowable.

Conclusion

For the reasons presented above, all claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 14, 2007

By: /KMNuzum/
Kirk M. Nuzum
Registration No. 38983

P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300